MUNICIPAL CORPORATIONS—STREETS—NEGLIGENCE—PLEADING.—From the iron works of the defendant, boiling hot water was expelled through a municipal drain or sewer, and delivered into an open and unprotected space where the inhabitants were accustomed to travel and infants to play. The plaintiff, an infant three years of age, having sustained severe injuries from falling into an open ditch, filled with the scalding water, thereupon brought suit against the defendant for creating and maintaining a "common nuisance and a place of danger to the inhabitants of the neighborhood." The defendant demurred on the ground that the facts did not state a cause of action. *Held,* that the facts alleged do not show that the act of defendant was an unlicensed and illegal act and that the demurrer should be sustained. *Ellis* v. *Pennsylvania Iron Works Company* (1909), — N. J. —, 74 Atl. 667.

In holding that the allegation "that the defendant did create and maintain a common nuisance and a place of danger to the inhabitants" in itself exhibits no cause of action, the court relied upon the cases of *Stephens and Condit Transportation Company* v. *Central Railroad Company,* 33 N. J. L. 229; and *Mercantile Bank* v. *Frost,* 62 N. J. L. 476, 41 Atl. 685, which rest upon the well established principle that "the rules of pleading clearly require a statement of facts which show to a reasonable certainty that the party sued has done something rendering him liable to the action." Another very old rule of pleading is that if the meaning of the words is equivocal, they should be construed most strongly against the party pleading them. *Dovaston* v. *Payne,* 2 H. Black. 527, 530; Coke Litt. 303, b; *People* v. *Fesler,* 145 Ill. 150; *Boynton* v. *Renwick,* 46 Ill. 280; *Blanck* v. *Pausch,* 113 Ill. 60; *People, Brinkehoff* v. *Swigert,* 107 Ill. 494; *Groff* v. *Ankenbrandt,* 124 Ill. 51; *Earle* v. *Westchester F. Ins. Co.,* 29 Mich. 414. A different allegation is required when the act committed is prima facie lawful from that required when it is prima facie unlawful. In the case at bar there was at least color of right in the act of the defendant and it would seem that the demurrer should be sustained, no matter whether the rule of the common law that all doubts should be resolved against the pleader, or the rule of the new procedure, that the construction should favor the pleader, with a view to substantial justice, is applied.

PARTNERSHIP—PARTNERSHIP PROPERTY—GOOD WILL.—Plaintiff and defendant formed a partnership to engage in a business enterprise. By the terms of the agreement the partnership was to continue for five years, but no mention was made of the ultimate disposal of the good will. Upon plaintiff's retirement from the firm defendant assumed control of the machinery and continued the business. Plaintiff brought this action for his proportionate share of the value of the machinery and of the partnership good will. *Held,* that defendant must account to plaintiff for the machinery and the good will of the former partnership. *Hutchins* v. *Page* (1909), — Mass. —, 90 N. E. 565.

In announcing the rule by which to determine the amount to be paid for the machinery, the court held: Where partnership property is of a special design, and on dissolution the continuing partner prefers to acquire the same,